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Honorable Philip M. Halpern
United States District Judge
Southern District of New York
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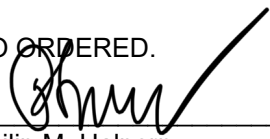
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Not Accepted

Application granted. The time for defendants to answer or otherwise move with respect to the second amended complaint is extended to 11/4/2020.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: New York, New York
October 14, 2020

Re: *Dana Stephenson v. Exclusive Motor-Sports LLC, Exclusive Motor Sports & Collision Center LLC, Exclusive Motor Cars LLC and Bethpage Federal Credit Union*
Docket No. 7:20-cv-01332-PMH

Dear Judge Halpern:


Our firm represents the Exclusive Motor defendants in the above-captioned action. I am writing to request an extension of time to answer or move with respect to the plaintiff's second amended complaint, currently due on October 14, 2020, to November 4, 2020. Counsel for defendant BCFU joins in this request and has authorized me to submit this request on their behalf. Counsel for plaintiff has consented to this request. This is our first request with respect to the second amended complaint.

This request is made because counsel for BCFU sent a letter dated October 1, 2020 to plaintiff's counsel pursuant to Rule 4C of Your Honor's rules indicating her intent to move to dismiss one or more claims in the second amended complaint. Defense counsel responded on October 8, indicating their intent to move for leave to serve a third amended complaint. I did not receive a copy of the BCFU letter until last Friday, October 9, was unaware of the exchange until Friday, and will be responding to this exchange today.

Assuming that plaintiff's pre-motion letter to the Court for leave to file a third amended complaint is filed Wednesday, October 14, defense counsel will have five business days to respond, or until October 21. It will not be until at least October 21, if not later, that we will know whether the operative complaint to which defendants must respond will be the second or third amended complaint. In light of the foregoing, it seems prudent that the time for defendants to answer or move with respect to the second amended complaint be adjourned until November 4, 2020, after the Court rules on the plaintiff's anticipated motion.

Thank you for your consideration of this request.

Respectfully submitted,


David L. Darwin

cc: counsel of record via e-filing and e-mail